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October 24, 2022

VIA ECF

Honorable Paul G. Gardephe
United States District Court
Southern District of New York
40 Foley Square, Room 2204
New York, New York 10007

Re: ***Douglas G. Richardson v. Adobe, Inc., Case No. 22-cv-07114-PGG, Request for Adjournment and Rescheduling of Initial Pretrial Conference***

Dear Judge Gardephe:

I represent defendant Adobe, Inc. (“Adobe” or “Defendant”) in the above-captioned matter. Having conferred with the Plaintiff on the issues below, and in accordance with the Court’s Individual Rule I.E, I write to respectfully request adjournment and rescheduling of the initial pretrial conference, currently set for **November 3, 2022, at 10:45 a.m.** *See* Dkt. No. 7. This is the first request for rescheduling of the initial pretrial conference. Counsel for Adobe respectfully makes this request due to conflicts that have arisen with hearings scheduled in other matters on the same date, before courts in California. Plaintiff has informed Adobe that it does not oppose the request to reschedule. The parties are available for a rescheduled conference on November 17, 2002, or a later date at the Court’s convenience.

Regarding the issues to be covered at the rescheduled conference, Adobe respectfully requests that it be converted into a pre-motion conference on Adobe’s request to file a motion to dismiss. *See* Dkt. No. 13. Should the Court permit Adobe to file the motion to dismiss, Adobe intends to request a stay of all discovery pending a decision on the motion, which Adobe anticipates will seek dismissal of all claims in Plaintiff’s complaint. Accordingly, Adobe further requests adjournment of the initial pretrial conference until the issues regarding Adobe’s motion to dismiss are resolved. Plaintiff has informed Adobe that it opposes Adobe’s request for a pre-motion conference for the reasons already set forth in its opposition letter. *See* Dkt. No. 14. However, if the Court decides to grant Adobe’s request for a pre-motion conference, Plaintiff agrees with Adobe that it would be futile for the parties to submit a case management plan and proposed scheduling order at this time. Accordingly, if the Court decides to grant Adobe’s request for a pre-motion conference, Plaintiff would agree to join Adobe’s request for

Arnold & Porter

Honorable Paul G. Gardephe
October 24, 2022
Page 2

adjournment of the initial pretrial conference. The parties respectfully submit that in such scenario, each party would be prepared at the forthcoming conference to discuss its positions on a stay of discovery, and for rescheduling the initial pretrial conference at the appropriate time, subject to the Court's preferences.

Respectfully Submitted,



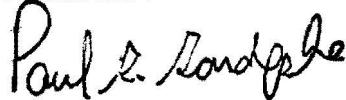
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Counsel for Defendant Adobe, Inc.

cc: All counsel of record via ECF

MEMO ENDORSED: Defendant's request for a pre-motion conference, pending at Docket No. 13, is granted. The initial pre-trial conference scheduled for November 3, 2022 is adjourned sine die. The pre-motion conference will take place telephonically on November 17, 2022 at 11:00 a.m. The parties are directed to dial 888-363-4749 to participate, and to enter the access code 6212642. The press and public may obtain access to the telephone conference by dialing the same number and using the same access code. The Court is holding multiple telephone conferences on this date. The parties should call in at the scheduled time and wait on the line for their case to be called. At that time, the Court will unmute the parties' lines. Two days before the conference, the parties must email Michael_Ruocco@nysd.uscourts.gov and GardepheNYSDChambers@nysd.uscourts.gov with the phone numbers that the parties will be using to dial into the conference so that the Court knows which numbers to un-mute. The email should include the case name and case number in the subject line.

SO ORDERED.



Paul G. Gardephe
United States District Judge
Date: October 31, 2022